

Application No.: 09/823,430

Docket No.: COSTEL 3.0-001

REMARKS

The Examiner is thanked for the courtesy of the telephone discussion regarding Applicant's previous informal submission of the amendment now submitted herein as an amendment after final rejection. Support for the amendment can be found in paragraph [0050] of the application. Entry of the amendment and favorable consideration is respectfully requested.

In the final rejection mailed April 22, 2004, claims 1-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nopper et al.* (U.S. Patent 5,021,638) in view of *King-DeBaun* (U.S. Patent 6,285,299) for the reasons set forth in the communication.

Applicant submits the present amendment to the independent claims in an effort to advance prosecution and permit the application to be passed to allowance. The amendment recites features of the claimed cover that are recited in the application and that have been relied on in arguments previously presented to the Examiner. It is respectfully submitted that this amendment does not present new issues requiring a further search since the features explicitly incorporated into the claims have been previously relied on by Applicant and discussed in the prior communications with the Examiner. In this regard, the Examiner's attention is invited to Applicant's response dated December 17, 2003, page 12, second full paragraph, in which Applicant states: ". . . a cover of the type claimed, having the additional feature of universal applicability, ease of application and ease of removal for preventing the transmission of disease, and the maintenance of features suitable to the use of this particular technology, e.g., maintaining the touch and feel of the keyboard array beneath the cover." (Emphasis added)

Importantly, the limitation further distinguishes the references, particularly *Nopper et al.*, relied on by the

Application No.: 09/823,430

Docket No.: COSTEL 3.0-001

Examiner in rejecting the claims. While *Nopper et al.* discusses the need for improved touch and feel in a keyboard cover, the means by which *Nopper et al.* achieve their result is necessarily different from that of the present invention because *Nopper et al.* requires the use of a cover that is molded to each specific keyboard configuration to which it is applied, and it sets forth required construction features in an attempt to minimize the loss of touch and feel through its cover. In this regard, the Examiner's attention is invited to column 4, lines 15-22 of *Nopper et al.*:

"In order to prevent the loss of the "touch" or "feel" when utilizing a keyboard array covered with a membrane of the present invention it is necessary that the sidewalls 30 and 32 not be permitted to extend all the way into the valley 33 between the keys of the keyboard assembly."

This requirement is again set forth in claim 1 of *Nopper et al.*, column 5, lines 37-42. These restrictions are necessitated by the fact that the *Nopper et al.* cover is molded to each and every keyboard key configuration to which it is applied.

In contrast, as set forth in claim 1 herein, the cover of the present invention "comprises a thin, elastomeric and substantially transparent membrane in proximate contact with said keys" and "does not correspond to the depressions or elevations of a specific keyboard array." (Emphasis added.)

In conclusion, it is respectfully submitted that the present amendment further limits and distinguishes the claims of the present invention and formalizes features that were previously presented to the Examiner as argument.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

Application No.: 09/823,430

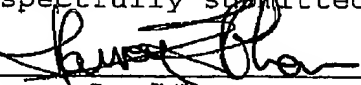
Docket No.: COSTEL 3.0-001

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: August 4, 2004

Respectfully submitted,

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